

*Count Ex. #5 (5:04 pm on 11-19-10)*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

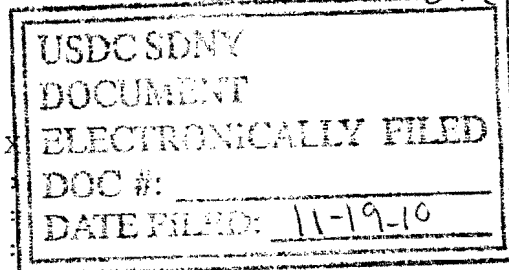
JUDITH GRAVES,

Plaintiff,

-against-

MERCK & CO., INC.,

Defendant.



06-cv-05513-JFK

JURY INTERROGATORIES

JOHN F. KEENAN, United States District Judge:

Please answer the following questions according to the greater weight of the evidence:

1. Do you find that Fosamax was a defective product--in other words, unreasonably dangerous due to defective design--before April 1, 2003, and that its defective design was a legal cause of Ms. Graves' injury?

YES \_\_\_\_\_

NO ✓

(If you answered "NO" to Question #1, please skip all remaining questions, date and sign this verdict form, and inform the Court Officer that a verdict has been reached. If you answered "YES" to Question #1, please proceed to Question #2.)

2. Do you find that Merck was negligent in designing Fosamax before April 1, 2003, and that such negligence was a legal cause of Ms. Graves' injury?

YES \_\_\_\_\_

NO \_\_\_\_\_

(Please proceed to Question #3.)

- 3a. Do you find that there was negligence on the part of Ms. Graves that was a contributing legal cause of her injury?

YES \_\_\_\_\_

NO \_\_\_\_\_

- 3b. If the answer to Question #3a is "YES," what percentage of Ms. Graves' injury is attributable to her own negligence?

\_\_\_\_\_ %

(Please proceed to Question #4.)

- 4a. What amount, if any, will fairly and adequately compensate Ms. Graves for her injury? In other words, what is the total amount of her damages?

\$ \_\_\_\_\_

- 4b. If you found that Ms. Graves' negligence contributed to her injury, deduct from the amount in Question #4a the percentage attributable to her own negligence provided in response to Question #3b. What is the remaining amount?

\$ \_\_\_\_\_

(Please date and sign the verdict form and inform the Court Officer that a verdict has been reached.)

Dated: New York, New York  
November 19, 2010

Lorraine Flood  
Jury Foreperson